

CLI Storage and Disposal Subgroup Activities

Storage and disposal labeling issues were discussed during regular conference calls among members of the Storage and Disposal subgroup. (For a complete list of Subgroup members please see Appendix 1-8.) The Storage and Disposal Subgroup met weekly or bi-weekly, via conference call, between February and September 1998. The Storage and Disposal Subgroup was formed to make recommendations for improving storage and disposal information on product labels, as well as to discuss potential problems and next steps in addressing storage and disposal language changes on product labels. A challenge facing the group was to discover how to provide universal language on a label that does not conflict with state and local regulations, policies, and programs, but which informs consumers of proper storage and disposal procedures. The Subgroup concluded that because product labeling is mandated on a federal level, label language cannot address every variation in storage and disposal requirements, policies, and programs across the nation.

Several suggestions were made by Subgroup members for changes to the current language on product labels, but it was difficult for the group to come to a consensus on a statement best suited for each product category. It was also difficult for the Subgroup to reach a consensus on many of the recommendations suggested by Subgroup members, due to differing views and concerns.

The Subgroup convened in a face-to-face meeting on September 22, 1998, prior to the CLI Partner and Task Force meeting. The purpose of the meeting was to come to an agreement over issues that the group was unable to resolve or address over conference calls, as well as to make recommendations to CLI Partner and Task Force members. The day was spent deliberating over several issues, including the different viewpoints among industry and state and local agency Partners, regarding the type of instructions that should be placed on product labels. At the end of the day, a consensus was reached regarding label language for empty containers, but not on the appropriate language for partially-filled household pesticide containers or household cleaner containers.

Areas of Agreement for Storage and Disposal Label Language

The Storage and Disposal Subgroup agreed on label language changes for empty pesticide and household cleaner containers. The group recommended that the language on these containers read:

“Place in trash. Recycle where available.”

The group suggested that the recycling statement be optional for manufacturers. The group also recommended that manufacturers be allowed to use an optional statement that reads:

“Do not re-use container.”

Finally, the group agreed to have the storage instructions on product labels remain as they currently appear.

Areas of Disagreement for Label Language

The Storage and Disposal Subgroup debated over several months about the appropriate language for partially-filled pesticide and household cleaner containers. They never reached a consensus. The group suggested that the decision for any change to label language (i.e., for language on empty cleaner and pesticide containers) be delayed until the EPA makes a policy decision about how to handle partially-filled containers.

Representatives from state and local organizations suggested changing current label disposal language to instruct consumers to first call their local waste authority to get proper disposal instructions for their localities, and, if not told otherwise, to dispose of the product in the trash. They argued that current disposal language is often in conflict with their own laws, practices, or programs, which ban HHWs from municipal landfills. Label language should therefore instruct consumers to contact their local authorities to get the correct disposal instruction for their area. Representatives from state and local organizations in the Storage and Disposal Subgroup issued the following statement at the CLI Partner and Task Force meeting (September 1998):

“The CLI Subgroup representatives from state and local organizations have agreed that the status quo disposal instructions are unacceptable to some state and local programs. Existing label instructions result in unfair CERCLA liability for local agencies as well as sanitation worker injuries due to HHW releases from the solid waste system. Additionally, local HHW programs attempt to be consistent with the EPA-endorsed waste management hierarchy or reuse and recycling before disposal. For partially-filled containers, the statement “call your local environmental, health, or waste department for disposal instructions” is appropriate.”

The suggestion to place a statement to contact local authorities was rejected by most of the industry Stakeholders in the Subgroup, who argued that instructing consumers to contact their local authorities or HHW programs to get proper disposal instructions would give consumers the impression that their products are harmful. They also argued that many of these programs often misrepresent and give consumers wrong information about their products. Industry Stakeholders in the Subgroup argued that their products are safe to dispose of in the trash or down the drain, and should not be classified as HHW. They provided evidence in support of this (see CSMA and HIPIC discussion, above). They said that state and local organizations did not provide scientific evidence for their conclusions. Additionally, industry representatives argued that putting a statement such as “call your local authority...” would be confusing for consumers, because it is difficult for consumers to know which agency is the proper one for them to contact. Furthermore, industry representatives cite data that found that the majority of people usually use up all of the product in a container before disposing of it. The representatives argue that the disposal of partially-filled containers is not as significant as state and local organizations claim. The industry representatives from the household cleaner and indoor insecticide industry, as represented by CSMA and HIPIC, issued the following statement at the CLI Partner and Task Force meeting (September 1998):

“The majority of industry participants believe there is a substantial body of scientific support for making the recommendation to dispose of CLI-covered products through the normal waste systems, either in the trash or down the drain, depending on the product type. No such scientific support for directing consumers to call their local authorities for alternate disposal methods has been presented to the Subgroup. Therefore, making such a change to the label is unjustified. We are also concerned about referring consumers to local authorities that are disseminating

inaccurate information. Many products are mis-characterized as hazardous by local agencies and inappropriate information on ‘alternatives’ is also provided as well. Furthermore, consumers may not have easy access to their ‘local authorities’ and may not even know which agency to call.”

State and local authorities believe the industry data that supports the above statement are limited and based on limited risk assessments (e.g., considering only the effects to RCRA Subtitle D landfills without studying the effects of HHW leakage in older, unlined landfills). Additionally, they state that industry studies are based on limited products and formulations and do not take into account the cumulative effects of all of the ingredients in these products, many of which may be considered hazardous.

Some industry representatives in the Storage and Disposal Subgroup from the outdoor pesticide industry do, however, view some of their products differently. These representatives stated that they do not have evidence to show that their products are safe to dispose of down the drain, and they are not opposed to directing consumers to contact their local waste handling agency for disposal instructions. It should be noted, however, that this is not the view shared by the entire outdoor pesticide industry.

Other general recommendations and suggestions were made to the CLI Partner and Task Force members at the September meeting. These are discussed in the recommendations chapter (Chapter 9).

Suggestions for Label Language for Partially-filled Containers

Although no consensus was reached at the September 22, 1998, face-to-face meeting on the issue of partially-filled containers, the Subgroup did make several suggestions over the course of the conference calls, for label language for different types of products (e.g., pesticides, household cleaners, liquids, solids, etc.) presented below. The arguments for and against these statements are also presented wherever possible.

Disposal of Partially-filled Liquid Cleaner Containers

Several suggestions were made for label language for partially-filled liquid cleaner containers:

1. Representatives from state and local organizations in the Subgroup suggested that these containers say, *“Call your local environmental, health or waste department for specific disposal instructions. If no restrictions, pour down the drain while running water. Do not mix with other products during disposal.”*
2. Industry representatives suggested, *“Pour product down the drain while running water [Do not mix with other products],”* with the latter part of the statement being optional.

Both of these suggestions have associated tradeoffs. Both options allow for disposal of the liquid cleaner down the drain. The first option, however, is too long to fit on a product label. Some members of the Subgroup pointed that the second option conflicts with some state and local laws, policies, and practices.

Disposal of Partially-filled Liquid Pesticide Containers

Three suggestions were made by members of the Subgroup for label language for partially-filled liquid pesticide containers:

1. Option 1 read, *“Call your local waste disposal service. If local laws permit, put partially full container in trash. [Never pour product down any drain],”* with the latter part of the statement as optional.
2. Another option read, *“Call your local environmental, health or waste department for specific disposal instructions.”*
3. The third statement suggestion was for the label to say, *“Place in trash.”*

Both the first and the second options were seen by state and local organizations representatives as viable, since they did not contradict state and local laws or practices. Also, the first option gave consumers an alternative if they found that there was no local guidance for disposal of liquid pesticide containers. The third option was seen as contradicting some state and local laws, practices, and regulations.

Disposal of Partially-filled Aerosol Containers

There was disagreement from both the representatives from state and local organizations and the industry representatives on suggestions for disposal instructions for partially-filled aerosol containers. The following three suggestions were made, but no consensus was reached for reasons outlined above.

1. *“Call your local environmental, health or waste department for specific disposal instructions.”*
2. *“Place in trash.”*
3. *“Call your local waste disposal service. If local laws permit, place partially full container in trash.”*

Except for the second suggestion, all of the above options would allow consumers to be in compliance with any state or local practices concerning the disposal of partially-filled aerosol cans. The third option also gives consumers alternatives if there are no specific guidelines for these containers. As with liquid cleaner and pesticide containers, the option to place the container in the trash is not an ideal one for state and local organizations, as this instruction can contradict state and local laws and practices.

Disposal of Partially-filled Solid Cleaner Containers

As with liquid and aerosol containers, industry representatives suggested that the text on labels of partially-filled solid cleaner containers read, *“Place in trash,”* whereas representatives from state and local organizations wanted it to read, *“Call your local environmental, health or waste department for specific disposal instructions.”* Arguments similar to those above were made for both of these statements. Agency representatives felt that instructions to call a local waste department for disposal instructions has the added benefit that if specific instructions are not

available, then the agency would likely encourage the consumer to use up the product or give it to someone who can use it up. This direction would allow consumers to practice source reduction, which is preferred over disposal for managing wastes.

Disposal of Partially-filled Solid Pesticide Containers

Similar suggestions were made for partially-filled solid pesticide containers:

1. Industry representatives favored the statement, *“Place in trash.”*
2. Representatives from state and local organizations wanted label language to be changed to read, *“Call your local environmental, health or waste department for specific disposal instructions.”*

Similar arguments for and against each of these statements were offered by both groups of Stakeholders in the Subgroup.

As mentioned above, no consensus was reached on an appropriate statement for partially-filled containers, and it was decided that any change of this sort would have to be a decision of the EPA.

Finally, CSMA and HIPIC representatives suggested to the Subgroup that a committee be formed to develop risk-based criteria for directing particular consumer pesticides that may warrant special handling to waste collection programs, such as household hazardous waste programs. They suggested that the committee be composed of experts from the field of risk-assessment, EPA, consumer pesticide manufacturers, the solid waste management industry, state and local HHW programs, and other appropriate experts. The suggestion was rejected, however, by members of the Subgroup from state and local agencies who argued that the decision to divert some of these products to HHW programs should not be based *solely* on risk assessment studies.

Storage and disposal issues were addressed again at a CLI Partner and Task Force meeting in April 1999. Jean Frane, of the Office of Pesticide Programs (OPP), briefly summarized recent OPP activities relating to storage and disposal issues, specifically addressing the impasse reached by the Storage and Disposal Subgroup (i.e., the conflict between storage and disposal instructions on some product labels and local/state regulations, policies, or practices). At this meeting, it was pointed out that states are reluctant to advance the “Read the Label *FIRST!*” campaign while there are still outstanding unresolved issues concerning the storage and disposal section of the label. Although no new language has currently been proposed, OPP met with representatives of state and local organizations, as well as representatives from industry, and expects to have a proposal on storage and disposal language by Fall/Winter 1999.